

**BEFORE THE
CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke
Probation/Accusation Against:

Case No. D1-2009-24

SHANE HAL TRAVELLER

2975 N. 2050 E.
Logan, UT 84341

Certified Public Accountant Certificate No.
66731

Respondent.

DECISION AND ORDER

The attached Stipulated Revocation of License and Order is hereby adopted by the California Board of Accountancy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on Oct. 28, 11.

It is so ORDERED Sept. 29, 11.



FOR THE CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KATHERINE MESSANA
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **CALIFORNIA BOARD OF ACCOUNTANCY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Petition to Revoke
12 Probation/Accusation Against:

13 **SHANE HAL TRAVELLER**

14 2975 N. 2050 E.
Logan, UT 84341

15 Certified Public Accountant Certificate No.
16 66731

17 Respondent.

Case No. D1-2009-24

**STIPULATED REVOCATION OF
LICENSE AND ORDER**

18 In the interest of a prompt and speedy resolution of this matter, consistent with the public
19 interest and the responsibility of the California Board of Accountancy of the Department of
20 Consumer Affairs the parties hereby agree to the following Stipulated Revocation of License and
21 Order which will be submitted to the Board for approval and adoption as the final disposition of
22 the Petition to Revoke Probation.

23 **PARTIES**

24 1. Patti Bowers ("Complainant") is the Executive Officer of the California Board of
25 Accountancy. She brought this action solely in her official capacity and is represented in this
26 matter by Kamala D. Harris, Attorney General of the State of California, by Katherine Messana,
27 Deputy Attorney General.
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2. Shane Hal Traveller ("Respondent") is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about May 13, 1994, the California Board of Accountancy issued Certified Public Accountant Certificate No. 66731 to Respondent. The Certified Public Accountant Certificate expired on April 1, 2007, and has not been renewed.

JURISDICTION

4. Petition to Revoke Probation/Accusation No. D1-2009-24 was filed before the California Board of Accountancy ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Petition to Revoke Probation/Accusation and all other statutorily required documents were properly served on Respondent on August 17, 2011. Respondent timely filed his Notice of Defense contesting the Petition to Revoke Probation/Accusation. A copy of Petition to Revoke Probation/Accusation No. D1-2009-24 is attached as **Exhibit A** and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation/Accusation No. D1-2009-24. Respondent also has carefully read, and understands the effects of this Stipulated Revocation of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation/Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Certified Public Accountant Certificate No. 66731, issued to Respondent Shane Hal Traveller, is revoked and accepted by the California Board of Accountancy.

1. The stipulated revocation of Respondent's Certified Public Accountant Certificate and the acceptance of the revoked license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the California Board of Accountancy.

2. Respondent shall lose all rights and privileges as a Certified Public Accountant in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent cannot petition for reinstatement prior to February 28, 2015, the date the original suspension would have been concluded. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. D1-2009-24 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If and when Respondent's license is reinstated, he shall pay to the Board costs associated with its investigation and enforcement of Case No. D1-2009-24, pursuant to Business and Professions Code section 125.3 in the amount of \$1,750.82. If and when Respondent's license is reinstated, Respondent must also pay to the Board costs associated with the investigation and enforcement of the initial discipline matter, Case No. AC-2009-24, in the amount of \$5,914.78.

1 Respondent shall be permitted to pay these costs in a payment plan approved by the Board.
2 Nothing in this provision shall be construed to prohibit the Board from reducing the amount of
3 cost recovery upon reinstatement of the license.

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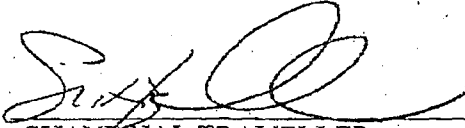
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ACCEPTANCE

I have carefully read the Stipulated Revocation of License and Order. I understand the stipulation and the effect it will have on my Certified Public Accountant Certificate. I enter into this Stipulated Revocation of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Board of Accountancy.

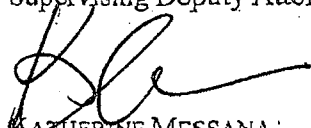
DATED: 9-18-11
SHANE HAL TRAVELLER
RespondentENDORSEMENT

The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted for consideration by the California Board of Accountancy of the Department of Consumer Affairs.

Dated: September 15, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General


KATHERINE MESSANA
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation/Accusation No. D1-2009-24

1 KAMALA D. HARRIS
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2 GLORIA A. BARRIOS
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3 KATHERINE MESSANA
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8 **BEFORE THE**
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation / Accusation Against,

Case No. D1-2009-24

12 **SHANE HAL TRAVELLER**

13 **2975 N. 2050 E.**
14 **Logan, UT 84341**

15 **Certified Public Accountant Certificate No.**
66731

PETITION TO REVOKE
PROBATION/ACCUSATION

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Patti Bowers ("Complainant") brings this Petition to Revoke Probation solely in her
21 official capacity as the Executive Officer of the California Board of Accountancy, Department of
22 Consumer Affairs.

23 2. On or about May 13, 1994, the California Board of Accountancy issued Certified
24 Public Accountant Certificate Number 66731 to Shane Hal Traveller ("Respondent"). The
25 Certified Public Accountant Certificate expired on April 1, 2007, and has not been renewed.

26 3. In a disciplinary action entitled "In the Matter of the Accusation Against: Shane H.
27 Traveller," Case No. AC-2009-24, the California Board of Accountancy, issued a decision,
28 effective February 28, 2010, in which Respondent's Certified Public Accountant Certificate was

1 revoked. However, the revocation was stayed and Respondent's Certified Public Accountant
2 Certificate was placed on probation for a period of five (5) years with certain terms and
3 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

4 JURISDICTION

5 4. This Petition to Revoke Probation/Accusation is brought before the California
6 Board of Accountancy ("Board"), Department of Consumer Affairs, under the authority of the
7 following laws. All section references are to the Business and Professions Code unless otherwise
8 indicated.

9 5. Section 5100 states:

10 "After notice and hearing the board may revoke, suspend, or refuse to renew any permit or
11 certificate granted under Article 4 (commencing with Section 5070) and Article 5 (commencing
12 with Section 5080), or may censure the holder of that permit or certificate for unprofessional
13 conduct that includes, but is not limited to, one or any combination of the following causes:

14

15 (g) Willful violation of this chapter or any rule or regulation promulgated by the board
16 under the authority granted under this chapter."

17 6. Sections 118 subdivision (b) of the Code also grants the Board jurisdiction over
18 suspended, expired, forfeited, cancelled, or surrendered licenses:

19 "The suspension, expiration, or forfeiture by operation of law of a license issued by a
20 board in the department, or its suspension, forfeiture, or cancellation by order of the
21 board or by order of a court of law, or its surrender without the written consent of the
22 board, shall not, during any period in which it may be renewed, restored, reissued, or
23 reinstated, deprive the board of its authority to institute or continue a disciplinary
24 proceeding against the licensee upon any ground provided by law or to enter an order
25 suspending or revoking the license or otherwise taking disciplinary action against the
26 licensee on any such ground."

27 7. Section 5109 of the Code provides that:

28 "The expiration, cancellation, forfeiture, or suspension of a license, practice privilege,
or other authority to practice public accountancy by operation of law or by order or
decision of the board or a court of law, or the voluntary surrender of a license by a
licensee shall not deprive the board of jurisdiction to commence or proceed with any
investigation of or action or disciplinary proceeding against the licensee, or to render
a decision suspending or revoking the license."

8. Title 16, Section 52, subdivision (a) of the California Code of Regulations provides that: “[a] licensee shall respond to any inquiry by the Board or its appointed representatives within 30 days. The response shall include making available all files, working papers and other documents requested.”

COST RECOVERY

9. Section 125.3 of the Code, in conjunction with section 5107, provides, in pertinent part, that the Executive Officer of the Board may request the administrative law judge, as part of the proposed decision in a disciplinary proceeding, to direct any holder of a permit or certificate found to have committed a violation or violations of this chapter to pay to the Board all reasonable costs of investigation and prosecution of the case, including but not limited to attorney's fees. The Board shall not recover costs incurred at the administrative hearing.

FIRST CAUSE TO REVOKE PROBATION

(Failure to Bring License Current and Pay Fees)

10. At all times after the effective date of Respondent's probation, Condition 2 stated:

Respondent shall, within thirty (30) days of the effective date of the decision, bring his license current and pay all past renewal fees and the most recent delinquent fees. At all times while on probation, Respondent shall maintain a current license with the Board, including any period during which suspension or probation is tolled.

11. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 2, referenced above. The facts and circumstances regarding this violation are as follows:

A. On or about March 28, 2010, Respondent violated the specific term and condition that he bring his CPA license 66731 current and pay all past renewal fees within thirty (30) days of the effective date of the decision.

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- 1 A. On or about March 31, 2010, Respondent failed to make quarterly cost
2 reimbursement in the amount of \$328.59.
- 3 B. On or about June 30, 2010, Respondent failed to make quarterly cost reimbursement
4 in the amount of \$328.59.
- 5 C. On or about September 30, 2010, Respondent failed to make quarterly cost
6 reimbursement in the amount of \$328.59.
- 7 D. On or about December 31, 2010, Respondent failed to make quarterly cost
8 reimbursement in the amount of \$328.59.
- 9 E. On or about March 31, 2011, Respondent failed to make quarterly cost
10 reimbursement in the amount of \$328.59.
- 11 F. On or about June 30, 2011, Respondent failed to make quarterly cost reimbursement
12 in the amount of \$328.59.

13 **FOURTH CAUSE TO REVOKE PROBATION**

14 **(Failure to Respond to Board Inquiry)**

15 15. Respondent is subject to disciplinary action under 5100, subdivision (g), in
16 conjunction with California Code of Regulations, title 16, section 52, subdivision (a), for
17 unprofessional conduct, in that Respondent knowingly and willingly failed to respond to inquiries
18 by the Board within thirty (30) days. Specifically, Respondent did not respond within thirty (30)
19 days to three letters sent by the Board dated March 3, 2010, from Enforcement Technician Liz
20 Nunally, August 18, 2010 and May 10, 2011, from Analyst Sara Narvaez that were mailed to
21 Respondent's address of record.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Accountancy issue a decision:

1. Revoking the probation that was granted by the California Board of Accountancy in Case No. AC-2009-24 and imposing the disciplinary order that was stayed thereby revoking Certified Public Accountant Certificate No. 66731 issued to Shane Hal Traveller;

2. Revoking, suspending or otherwise imposing discipline upon Certified Public Accountant Certificate Number 66731 issued to Shane Hal Traveller;

3. Awarding the Board costs as provided by statute;

4. Taking such other and further action as may be required.

DATED:

August 3, 2011

Patti Bowers

PATTI BOWERS
Executive Officer
California Board of Accountancy
Department of Consumer Affairs
State of California
Complainant

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